

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

HARRY E. EISS,

Plaintiff,

v.

Case No. 17-13141

Hon. Denise Page Hood

U.S. BANK NATIONAL ASSOCIATION d/b/a  
US BANK and PHH MORTGAGE CORPORATION,

Defendants.

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**ORDER DENYING MOTION FOR RECONSIDERATION (ECF No. 51)**

This matter is before the Court on Plaintiff's Motion for Reconsideration. (ECF No. 51) On March 25, 2022, the Court entered an Order Denying Emergency Motion to Escrow Disputed Funds. (ECF No. 50)

The Local Rules of the Eastern District of Michigan provide that any motion for reconsideration of non-final orders must be filed within 14 days after entry of the order. E.D. Mich. LR 7.1(h)(2). No response to the motion and no oral argument are permitted unless the Court Orders otherwise. E.D. Mich. LR 7.1(h)(3). Motions for reconsideration may be brought upon the following grounds:

(A) The court made a mistake, correcting the mistake changes the outcome of the prior decision, and the mistake was based on the record and law before the court at the time of its

prior decision;

(B) An intervening change in controlling law warrants a different outcome; or

(C) New facts warrant a different outcome and the new facts could not have been discovered with reasonable diligence before the prior decision.

E.D. Mich. LR 7.1(h)(2). A motion for reconsideration is not a vehicle to re-hash old arguments, or to proffer new arguments or evidence that the movant could have brought up earlier. *Sault Ste. Marie Tribe v. Engler*, 146 F.3d 367, 374 (6th Cir. 1998)(motions under Fed.R.Civ.P. 59(e) “are aimed at *re* consideration, not initial consideration”)(citing *FDIC v. World Universal Inc.*, 978 F.2d 10, 16 (1st Cir.1992)).

Plaintiff seeks a modification of the Court’s March 25, 2022 Order that Plaintiff may refinance the Property while preserving all claims against Defendants. The Court did not address Plaintiff’s alternative request to refinance the Property while preserving all claims against Defendants. The Court will not reconsider its order because the court will not delve into the terms of the possible refinance agreement, which is not before the Court, which may implicate Plaintiff’s claims against Defendant in this motion.

Accordingly,

IT IS ORDERED that Plaintiff's Motion for Reconsideration (ECF No.51) is DENIED.

s/Denise Page Hood  
DENISE PAGE HOOD  
United States District Judge

DATED: March 27, 2024